NEW YORK CITY.

THE COURTS.

UNITED STATES DISTRICT COURT—IN BANKRUPTCY.

A Question of Practice.

Judge Blatchford has decided in the case of a witess who refused to attend before a Register in Bank ruptey on the pice of illness, without giving a doctor's certificate, that an order of arrest should not issue, but that an order to show cause why an attachment should not issue should be granted by the Registrar.

UNITED STATES COMMISSIONERS' COURT.

Withdrawal of a Charge of Opening Letters. Before Commissioner Betts.

The United States vs. Solomon Akoum.

ant is an Arab, and complaint was made against him that he had opened letters addressed to Abraham Kazhaky, his former partner. The case had been up before, but yesterday the complainant having become satisfied that there was no criminal latent on the part of the accused, withdrew the charge and the defendant was discharged.

Alleged Smuggling India Rubber Goods." The United States vs. Leonard Hover.—Defend-ant is a manufacturer of india rubber goods at Brockville, Canada. He was arrested on a charge of having at various times, between theffall of 1807 and the spring of 180., smuggled his goods across the frontier. He gave ball in \$1,000 for examina-

The Alleged Abrahams Embezzlement Case.

Before Commissioner White. '
The United States vs. J. P. Abrahams.—Defendant was arrested on the complaint of H. B. Mat teson, who charged him with embezzing \$7,700 The government not having its witnesses ready the case, on consent of the counsel for the defence, went over for two weeks.

COURT OF APPEALS.

Marine Insurance-Violation of Warrantee by Visiting Prohibited Ports.

Before Chief Judge Hunt and a full Bench. Charles P. Day, Plaintiff and Appellant, vs. The Griental Mutual Insurance Company, Defendants and Respondents.-This action was brought on a time policy of insurance on the schooner Alice Day for one year, from March 26, 1856, at noon, to March 28, 1857, at noon. The policy contained the follow ing stipulation:-"Warranted not to use ports or places in Texas, except Galveston, nor foreign ports and places in the Gulf of Mexico." The jury found and places in the Gulf of Mexico,." The jury found that while this policy was in force the vessel went to Coatzacoalcos, in the Gulf of Mexico, in violation of the warrantee already cited, and that she returned in safety and was subsequently destroyed by the perils insured against at Apalachicola on the 31st of August, 1858. The plantith had previously applied for permission to visit Coatzacoalcos, but was refused by the company. In an action to recover the insurance is was claimed by the company that the vessel, in visiting prohibited ports, absolutely voided the policy, notwithstanding that it did not appear that she was lost by any perils resulting directly from that violation of the policy. Judgment was given in layor of defendants, which was confirmed at General Term, from whence the appeal is now taken to this court. The appellant claims that the defondants are bound to show that the loss of the vessel resulted directly or in lirectly from her visit to the prohibited ports. Respondents claim that such visits to prohibited ports voided the policy absolutely. Decision reserved.

Subsequent Conditions - Restrictions on

Joseph Plumb vs. Owen W. Tubbs.-The plaintiff, Plumb, sold a lot of land in Cattaraugus village to the defendant, in fee of \$100, in 1847, with a proviso or condition after the habendum clause that the grantee, his heirs or assigns should not manufacture or sell any intoxicating liquor on the lot unless Joseph Plumb, his heirs or assigns should sell other land in Cattaraugus without such condition, or should themselves manufacture or sell liquor, or

should themselves inanufacture or sell liquor, or should permit the same on any land in the village. For a violation of the proviso there was to be a forfeiture. Defendant dis sell intoxicating liquors on the lot, and plaintiff claimed a forfeiture.

The defence showed that in 1855 the plaintiff sold some lots in the village, with the same conditions; but the grantees resold the property to others, without the conditions.

The plaintiff also sold lots to one Mattox on the same condition which Mattox violated, and was not ejected. The defence also showed that in another case the plaintiff sold with the condition, but his grantee resold without the condition, but his grantee sold a giass of ale in that lot in presence of the plaintiff. These three facts the defendant relied on as showing a breach of the proviso by the plaintiff, but besides this he insisted that the proviso was absolutely void. In a court below ruled that the condition of the erginate selling in violation of the condition of the deed to the defendant, and also overruled the general defence.

The defendant appeared from the judgment, and

condition of their grant, did not discharge the condition of the deed to the defendant, and also overrolled the general defence.

The defendant appealed from the judgment, and the general term shirmed the judgment on the ground that a condition subsequent limiting the use of property, if not contrary to law, was good.

On the appeal to the Court the plaintim submitted their points. The defendants made an elaborate argument on the question of the validity of the condition. It was argued that conditions subsequent are not favored by the law, and are not sustained when repayment to the nature of the estate granted or intringed on the essential enjoyment and independent rights of property. Many instances where such conditions were void were cited; that the case came within mone or the authorized exceptions or within the reason of such exceptions. One of those exceptions was that every act which is propible to y law, or which doth wrong a man, may prohibit by condition; but the sale of liquor was not prohibited by law, and this condition assumed the prerogative of the State to make law. As for the distinction taken by the General Term that the condition only affected the use of land, the use of land made up its whole value, and the distinction was untenable. Counsel distinguished between this and the cases in which restraints were pute possible to the business of the preference of the property of the create of the case of the property of the cases in which restraints were pute on building within a certain disdistinguished between this and the cases in which restraints were put on building within a certain distance of a street front, that being a species of dedication to the public by which addoning property of the grantor was benefited, and from the pr. hibition of certain uses of property which might injure the health of the plainid. In that the condition in this case, if enforced, secured no benefit to the plaintiff. Counset also contended that grantees were assigns in the meaning of the provisor, and that the selling of the provisor, and that the selling of the provisor and that the selling guisned between this and the car in the meaning of the provisor, and that the sellin of liquor in his presence without objection was per mitting.
The court reserved its decision.

SUPREME COURT--RENEBAL TERM

Real Estate Contracts-Interesting Question under the Statute of Frauds. Before Judges Moneil, McCunu and Fithian.

Sylvester Brush, Appellant, vs. Lewis S. Levy, Respondent.—This interesting case was tried before Cnief Justice Barbour at Special Term. On the trial of the cause the following state of facts appeared:of the cause the following state of facts appeared:—Piantiif and defendant agreed to bid on property at the New York Exchange. The defendant did the bidding, the biaintiff assenting by a not to each bid as marie. The property was purchased for \$50,000, and a day or two after plaintiff tendered to detendant his check for his proportion of purchase money and charges, according to previous agreement. Defendant refused to accept the tender or to carry out the agreement, slieging as his reason therefor that his wife objected to partnerships in real estate. The purchase being deemed a valuable one the plaintiff brought suit to enforce the contract. The suit was resisted on the ground that the contract was void under the statute of fraud. On this state of facts the court held as conclusive of law that there had been a part performance within the meaning of the statute; that the defendant was selzed of an undivided half of the property as trustee for plaintiff, and judgment was accordingly rendered for a conveyance of this interest to him. From the judgment defendant appealed to the General Term. His counsel contended, on the appeal, that the facts were too indefinite and vague to constitute a basis for a decree; that the conclusion of a legal tender of the imoney to be paid was not warranted by the lacts, and that the agreement, being for an interest in lands, and not in writing, was void under the statute of frauds.

Counsel for respondent contended that the statute of frands could not be invoked as a shield to punic faith, its object being the protection of those who, but for the statute, would be the dupes of the designing in real estate and other matters of moment, and can only be invoked by a party for the protection of the law from being imposed upon, and not for the prostitution of the law from being imposed upon, and not for the prostitutions. Plaintiff and defendant agreed to bid on prop

SUPREME COURT-SPECIAL TERM.

The Gilman Will Case-Conflict of Authority Between the Courts of Mainejand Those of

New York. Before Judge Barnard. George G. Percical and Winthrop W. Gilman vs. George P. Climan, Edward McCleilan et als.—This is a cause in equity in which the plaintiffs are seekis a cause in equity in which the plaintiffs are seeking to restrain the defendants, who are the heirs and
executors of Nationaled Gilman, deceased, from
prosecuting or continuing certain actions bearing
relation to the estate of the deceased and the adminisration of the same, in the Circuit Court of the United
States and in the courts of the State of Maine, and
from paying or collecting any moneys or assets of
the estate under any order, judgment or decree made
in said action, and to compel Johanna Gilman,
widow of deceased and one of the defendants, to pay
into court all moneys received by her under any
judgment in such actions or under such pretended
orders.
It appears that Nathaniel Gilman died in Decem-

orders.
It appears that Nathaniel Gilman died in December, 1859, jeaving a will, dated April 10, 1858, with a codicit dated December 10, 1859, distributing an satisfe, both real and personal, to the amount of

\$400,000, part of which is in the city of New York and the rest in the State of Maine. According to the allegations of plainting it is claimed that in the will the widow of the deceased was left an amount in every way suitable to the restation, but that she subsequently, under an act of the State of Maine, which was passed after the death of the testator, instituted in the State of Maine, where she then claimed to reside, proceedings in a probate court, in which she renounced the provision made for her by her husband, claiming that she was allowed instead a sum of money in gross, to be paid to her in absolute ownership. By virtue of the orders and indements in said proceedings, the widow, it is claimed, has proceeded to collect and hold moneys collected in behalf of the estate, she setting up that under the judgment she has been awarded \$70,000, to be paid out of the personal estate on ner husband, in addition to her dower of one-third of his real estate, situated in Maine; and that on appeal to the Supreme Court of the State of Maine the allowance out of the personal estate on appeals of the Supreme Court of the State of Maine the allowance out of the personal estate on appeals of the Supreme Court of the State of Maine the allowance out of the personal estate on appeals on the Supreme Court of the State of Maine the allowance out of the personal estate on appraisement, except articles specifically bequeathed. The plaintiffs claim, as devisees of the estate that the testator having been a resident of New York up to the time of his decease, and the larger portion of his property being situated in the same place, the proceedings on the estate should have been instituted here and not in Maine, which latter are vold and not binding or operative in the State of New York; that the proceedings in Maine, and that, therefore, this is a turther reason why the decisions of the Maine courts are not binding on them; also that the Probate Court of Maine, being without jurisdiction in the premises, it was clearly its duty to

The New Harlem Railroad Depot-Interesting ture and the New York City Authorities-To

Before Judge Ingraham.

In the Matter of the Application to Confirm the Report of the Commissioners of Appraisal of the Lan'ts Taken for the New I assenger Depot of the New York and Harlem Rattroad Company.—This app 1cation involves a new and interesting question as to the power of the Legislature to grant the public streets of this city to a railroad company for his ex clusive use. At the last session of the Legislature an act was passed authorizing the New York and Hariem act was passed authorizing the New York and Hariem Ralifoad Company to take that part of Fourth avenue Iying between the westerly side of the avenue and a line drawn paraticl thereto, to a distance of fity feet westerly from the easterly side of the Fourth avenue, and extending from the northerly side of Forty-second street to the southerly side of Forty-flith street; and also part of Forty-third and Forty-fluth street; and also part of Forty-third and Forty-fluth street; and also part of Forty-third and Forty-fluth street; and also part of constructing a passenger depot, and providing that compensation should be made to the Mayor, Aldermen and Commonalty of the city and to each corporation and person who might be entitled thereto, for the property so taken. The Board of Commissioners met and assessed the damages of the city at \$25,000 and the case now comes up on a motion to confirm that report.

met and assessed the damages of the city at \$25,000 and the case now comes up on a motion to confirm that report.

Mr. O'Gorman opposed on behalf of the city, and raised the following points:—That the city owned the streets in fee, subject only to the condition that there should be an easement for persons, and that there should be an easement for persons, and that the original owners of the property for a street and for no other purpose whatever: that if it is taken for any other purpose the property returns to the original owner; that the Legislature, in other words, have no power to take the streets of New Yors, and appropriate them to any other purpose except that of streets, without the consent of the Corporation; that the use for which the Legislature had given these streets was not a public use; that the erection of a depot is a pivate matter and got a work of prime necessity to the public; that the sward was insunicient, the property being worth half a million of coltars and upwards, and that the city had only been awarded \$25,000.

Judge Ingraham overruled Mr. O'Gorman in all his points except the last, holding that the Legisin-ture might take the streets of New York and appro-priate them to any public use they saw it. He said he would, however, entertain the question as to compensation. Decision reserved.

The Alleged Assailants of Brooks, the Phila delphia Revenue Detective, Remanded.

Before Judge McCunn.
In the Matter of James Dougherty and Hugh warra .- In this case, the particulars of which appeared in yesterday's HERALD, Judge McCunn appeared in yesterday's Herald, Judge McCunn yesterday remanded all the prisoners, on the ground that it had been shown satisfactorily to him that a crime had been committed; that under indictments found for the crime a proper complain had oben made against them in Philadelphia, and that the requisition from the Governor of Pennsylvania and the mandate from Governor Hoffman show that the prisoners are suggitives from justice. He cand, that under these circumstances, he had no power except to remand the prisoners and discharge the wirt.

The prisoners were then taken in charge by the proper officers, who were directed to take them proper officers, who were

COURT OF COMMON PLEAS-CHAMBERS. Decision Rendered.

Waylan vs. Lebald et al.-Mr. Adams claiming an interest of \$185 on the money in his possess cannot be compelled in this proceeding to pay it over. (See itodman vs. Henry.)

COURT CALENDARS-THIS DAY.

COURT OF APPRAIS.—Before Chief Justice Ward Hunt and a full bench. Court opens at ten o'clock A.M.—Nos. 219, 422, 32, 229, 230, 231, 232, 233, 224, 236, 236, 237, 238, 239, 240. OYBE AND TERMINER AND SUPREME COURT—CIR-CUIT.—Part 1.—Before Judge Ingraham. Court

OYER AND TERMINER AND SUPREME COURT—CIRCUIT.—Part 1.—Before Judge Ingraham. Court opens at hair past ten o'clock A. M.—Short causes.—Nos. 1979, 2069, 2311, 2885, 2701, 2751, 3001, 3063, 3063, 3063, 3139, 3229, 3283, 3429, 3485, 3655, 3589, 3615, 5525, 3657, 3900, 4183, 4011, 4024, 4085, 4501, 4489, 4517, 4543, 4545, 4593, 4613, 4612, 4627, 4636, 4637, 4718, 4717, 4757, 4861, 4885, 4941, 4961, 6023, 6061, 5065, 5077, 5139, 5150, 5203, 5233, 5241, 5245, 5245, 5245, 5245, 5245, 5245, 5245, 5245, 5245, 5245, 5250, 5263, 5264, 5245,

CITY INTELLIGENCE.

THE WEATHER YESTERDAY .- The following record

THE WEATHER YESTERDAY.—The following record will snow the changes in the temperature for the past twenty-four hours in comparison with the corresponding day of tast year, as indicated by the thermometer at Hudout's pharmacy, Herald Building, Broadway, corner of Adm street:—

1868. 1869.

1869.

1869.

1869.

1869.

1860.

3 A. M. 56 5/2 3 P. M. 69 71

6 A. M. 58 49 6 P. M. 66 70

9 A. M. 62 53 9 P. M. 66 67

9 A. M. 62 53 9 P. M. 66 69

Average temperature yesterday.

60 Average temperature for corresponding date last year.

63 The Death of Mrs. MILLER.—Coroner Schirmer yesterday held an inquest at 26 Greenwich street yesterday held an inquest at 26 Greenwich street

yesterday held an inquest at 25 Greenwich street over the remains of Mrs. Pauline Miller, whose death has already been announced. The suspicions at first entertained of irregularities on the part of the attending physician were not confirmed. Mrs. Mil-ler was properly treated and no blame is attached to any one.

MEETING OF THE AMERICAN INSTITUTE.-The regular monthly meeting of the members comprising the American Institute was held last evening in their American Institute was held last evening in their room at the Cooper Institute, Vice President Loutel in the chair. Some discussion arose on a resolution, offered by the Board of Managers, suggesting the propriety of holding a fair in the autumn of 1870. Finally, a resolution to the effect that the present Board of Managers have discretionary power to make all preliminary arrangements for an exhibition in 1870 was carried, and the proceedings terminated.

BOARD OF SUPERVISORS.—The Committee on annual Taxes met yesterday, the object of the meeting being to hear the statements of persons interested in the remission and reduction of their taxes. The ground upon which such reduction or remission was sought was cateny in consequence of absence from the city of the applicants at the light the agreements were made.

About two-thirds of the taxes complained of were remitted by the committee for the reason above stated, and the balance were reported adversely upon, and the taxes with have to be paid. The amounts vary from \$2,000 to \$10,000. The committee, after a short consultation, adjourned.

Acong, at 67 Cherry street, on the 5th day of October, 1899.

The jury also found that Henry Acong came to his death from stab wounds inflicted upon himself, with smittee, after a short consultation, adjourned.

LAMENTABLE DROWNING CASUALTY. - For some time past Mrs. Sarah Van Curen, late of 148 Varick street, has been sick with brain fever, which at times has been so serious as to cause temporary abertimes has been so serious as to cause temporary aberration of mind. While thus suffering at one o'clock
yesterday morning, Mrs. Van Curen arose from
the bed where she had been siceping with
a little girl, six years of age, and proceeded
to the pier foot of West Houston street, and was
drowned. Seven or eight hours subsequently the
body was recovered and identified by the husband
of deceased. Coroner Schirmer was notified and
gave permission for the removal of the remains to
the residence of Wm. Van Curen, where an inquest
will be held. Deceased was thirty years of age and
a native of Ireland.

The New York Greuce. Street Accounts Vet.

THE NEW POST OFFICE-STRIKE-ACCIDENT .- Yesterday fifty laborers employed at night work on the new Post Office struck for two doilars and a half per day, in place of two dollars, and eight hours' work instead of ten. The strike has not extended beyond instead of ten. The strike has not extended beyond this number. There is no danger of an interruption of the work, for there are men enough in the city out of employment and ready to work at anything. Yesterday morning Patrick Hanou, of 16s Hester street, a laborer, while at work at the site of the new Post Office, was dangerously injured by the caving in of an embankment upon him. Taken to New York Hospital. The Board of Aldermen yesterday afternoon gave the United States authorities permission to extend northwardly for the distance of seventy feet the present fence enclosure on the northerly side of the site for the new Post Office.

Sudden Deart of an ex-Police Office.—The

SUDDEN DEATH OF AN EX-POLICE OFFICER. The sudden death of Michael Wogan, long an officer attached to the Fourth precinct, was yesterday reported at the Coroners' office by a son of the deceased. It appears that on Wednesday Mr. Wogan, who lived at 333 Cherry street, was apparently in his usual health, and at hight attended a political meeting, remaining absent till a late hour. On uls return he made no complaint, out after retiring was taken hi and died soon afterwards. Dr. Belden, oi Twenty-first street, who, it is alleged, had long attended deceased, was called and certined that death ensued from uremia. Later in the day Deputy Coroner Shine called at the house of deceased to make an investigation and met with much resistance in the discharge of his duty by certain members of the family. Dr. Belden will be waited upon and if his explanation as to the cause of death should not prove satisfactory, then a post mortem examination will follow. Deceased was fity-six years of age and a native of Ireland. He had not been a member of the ponce department for several years.

A TEREMENT HOUSE FIRE.—Yesterday morning a fire broke out in the basement of the four story deceased. It appears that on Wednesday Mr. Wogan,

fire broke out in the basement of the four story brick house 176 Madison street, owned by L. Morris, and occupied by a number of families. The fire originated in one of the wood bins in the cellar. The ballways of the house were soon filled with smoke, to the great alarm and consternation of the tenants, many of whom were still in their beds. The occupants gained the street in safety, except Mary Coughin, who lived in the upper portion of the house, who, fearing she would not be able to make her exit in safety, jumped out of a third story window to the rear yard and sustained serious highry. The fames were confined to the cellar, in which they had originated. The first floor is occupied by Patrick Maidon; damage \$300; no insurance. The second floor by J. Fenning and J. Gaton; damage \$400 each; no insurance. The fouring floor by John Compton and Patrick Cochran, loss \$300 each, and by Mars. Foley, loss \$300; insured for \$500. The building is damaged to the extent of \$1,000; insured. and occupied by a number of families. The fire

POLICE INTELLIGENCE.

LOST HIS MONEY .- Edward A. Chase of 801 East Thirty-third street, caused a woman named Re Reville, of 107% Greene street, to be arrested on wednesday night by officer Smith, of the Eight pre-cinct, charged with stealing \$300 from him while on a visit to her room, and smashing a large pitcher over his head, cutting it severely. Upon being arraigned before Justice Ledwith, at Jefferson Market, yeater-day morning Chase refused to make any complaint and the woman was discharged.

HIGHWAY ROBBERY .- Edward Foley was arraigned beforn Justice Ledwith, at Jefferson Market, yesterday, by officer Mackin, of the Ninth pr day, by omeer Mackin, of the Ninth precinct, charged, in company with a young man named Thos. Brawmin, with roboing him of a watch, wallet and chain in Washington street, on Sunday night last, the lacts of walch appeared in the Herallo of yesterday. He denied the charge, but was committed in default of \$1,000 bail to appear at the General Sessions and answer.

ALLEGED LARCENY FROM THE PERSON.-Robert Dwyer, of 409 East Twenty-fourth street, went into a saloon at 403 East Twentieth street, for the pur-pose of getting a drink. While there he was appose of getting a drink. While there he was approached by one James Dougherty, whose hand, he alleges, he discovered in his pocket. In a few dollars in bank bills had been taken from him, and he naturally suspected Dougherty, whose arrest he caused. The prisoner was arraigned before Justice Mansfield, who committed him, in default of bail, to

THEFT OF WEARING APPAREL .- Christian Whippler, better known as Christian Sachs, was arraigned before Justice Mansfield yesterday, charged stealing a quantity of wearing apparel, valued at about \$100, from Mr. Peter Laughlin, of No. 78 Cannon street. The accused was seen entering the basement of Mr. Laughlin's residence, which she left again shortly after with a large bundle in her possession. She was subsequently arrested in Stanton street, near Cannon, in the act of entering a pawnshop with a portion of the goods in her possession. She was held for trial in default of bail.

ARREST OF AN ALLEGED RIVER THIEF.—Thomas Stokes, of 13, 15, 17, 19 and 21 Cliff street, appeared before Justice Mansfield yesterday afternoon, and charged John Kane, one of a gang well known to the police, and whose depredations on the East river have already made them notorious, with stealing a box of tin, valued at \$100, while being unloaded from the ship General Butterfield, 17ing at pier 4s East river. He was seen taking the box into a white boat which he was rowing about the vessel at the time of the disappearance of the box. The accused was held to ball to answer.

THE CHINESE BUICHERY.

Inquest Over the Three Dead Bodies-Only One Witness Examined-Verdict of the Jary.

At the separation of the jury, empanelled or Wednesday morning by Coroner Flynn in the case of Charles Archoe and Henry Acong, and his wife, Sarah Aun Acong, victims of the tragedy at No. 67 Cherry street, the Coroner requested the jury to reas-semble at ten o'clock ("sharp") the following morning, and at the appointed time the jury, witnesses, interpreters and other interested parties were in attendance, and watted an hour and a half for the Coroner. The tardiness of the Coroner appeared to

have been occasioned by sickness, and, therefore, was excusable.

The only witness to the bloody struggle have been occasioned by sickness, and, therefore, was excusable.

The only witness to the bloody struggle was George Aquang, a Chinaman, who shared the room and bed with Archoe, and he saw only a portion of the occurrence. The witness had a narrow escape with his own life, as the murderer made a pass at him with his polynard, which only cut a long sit in the back of his coat. Acong at he same time attempted to serve the witness by the hair of the head, but Aquang, after losing his hat, fied down the stars and escaped to the street, when he alarmed the police.

police.
Subjoined will be found the deposition of the wit-ness:—

subjoined will be found the deposition of the witness:

TESTIMONY OF GEORGE AQUANG.

George Aquang, being duly sworn, deposes and say—I reside at No. 87 Cherry street; I have lived with Acong for the past six months; I am a cigar maker; on the 6th of October I returned from work and had my supper, after which I went to school, and again returned to No. 67 Cherry street about mine o'clock and began to read; Acong was in the room at the time; he appeared to me to be unusually wild and excited; I thought he was drunk, but he spoke clearly; he asked me if I was going to bed, and I told him it was too soon, and a few minutes attewards he went into an adjoining room where Charles Atchoe slept and spoke to him; he asked Archoe if he should pay him back the two dolars which he owed him; charley told him that to-mornow would do as well; immediately after I heard Charley Archoe cry out "Oh, you kill me;!" this he repeated several times; I want out to see what the matter was; Acongmet me, polgnard in hand, and tried to prevent me from getting down stairs; he grasped at me, but only caught my hat, which he kepi, at the same time he made a plunge of the dagger at my back as I went down the stairs and out my coat; I rushed out into the street and cried out, "Murder P!" "Police!" this was about a quarter past ten o'clock; an officer came, and I told him what had occurred; he went up stairs, platol in hand, and I followed him; on getting to the second landing on the stairs we found the body of Mrs. Acong; she was dead; we then went up and into the room where Archoe elept; he was all besmeared with blood, and was also dead; the body was quite warm; the police officer then went into Acong's room; he lay on the bed on his back, and neid the dagger in his hand; he had stabbed himself; Acong was a steward on board the City of Montreal, a saling ship, which had lafely returned from Liverpoo; he got home on last Friday; that hight he came in and disputed with his wife and struck her in the face; his wife told me that he appeared crax

"REDDY" THE BLACKSHITH.

The Distinguished Fourth Warder at the "Bar"-The Jury Panel Exhausted-Novel Objections to the Jurors Under Challenge.

Yesterday morning the large room of the Court of General Sessions was densely crowded by persons whose curiosity had been excited by the frequent publication in the newspapers of the case of William Variey, alias "Ready" the Blacksmith, whose trial was announced to take place in this court. It will be remembered that he is charged with being implicated in assaulting and robbing Lawrence Graham, on the 26th of March, 1869, of the sum of \$500, at the saloon No. 7 Chatham

on the 26th of March, 1869, of the sum of \$500, at the saloon No. 7 Chatham square. Howard, who was jointly indicted, was convicted and subsequently pardoned, facts having been presented to the dovernor after the trial, which established his innocease. A man named Brennan was also tried and convicted and sent to the State Prison, where he has since died. Recorder Hackett presided, Assistant District Attorney Hutchings appeared for the people and Mr. Whitam F. Howe for the prisoner.

Mr. Hutchings stated that he was ready to proceed, and the cierr proceeded to empanel the jury.

Mr. Howe miterrogated each juror as he was called as to whether he had read the newspaper accounts of the occurrence and thus formed an opition as to the guilt or innocease of the accused. Quite a number of them had, and were therefore set saids as incompetent. Two jurors were peremptorily challenged on the ground that they entertained a prejudice against the class to which the defendant belonged, and another youthful Teutonic citizen was thought to be incompetent because he was prejudiced against Pourth ward politicians in general. After considerable effort the following gentlemen were sworn to try the case: James J. Lyons, William H. Bates, James M. Prescott, William H. Gildersteeve, Robert Roby, Jacob Hahn, Hugh Donnell, Avery J. Smith.

The panel being exhausted and but cight eligible jurors obtained, it was announced that 250 gentlemen were summoned for this morning, which would enable the counsel to obtain four jurors whom he may consider qualified to try the case.

On motion of Mr. Hutchings, Lawrence Graham, the principal witness for the prosecution, who is a resident of New Jersey, was committed to the lique of Detention by the Recorder.

Alter the usual caution to the jurors sworn not to allow any one to approach them upon the subject of the triat, the court adjourned till this (Friday) morning.

ALLEGED FORGERY.

Singular Allegation Against Mr. Kapp, Com-

missioner of Emigration. Yesterday afternoon, in the examination room of the Tombs Police Court, before Judge Hogan, evidence was taken in a charge of torgery against Mr. Frederick Kapp, Emigration Commissioner and Counsellor, Wall street. On the previous day an application for a warrant for the arrest of Mr. Kapt on this charge was made by Mr. Sherman, counsellor, No. 61 Broadway, on behalf of Mrs. Augusta Bowman, the widow of a soldler who died in the army. Judge Hogan deemed the evi-dence insufficient to justify the issuing of a warrant, and ultimately, by an arrange-ment with all the parties concerned, a hearing of

ment with all the parties concerned, a hearing of the case took place yesterday. Mr. Kapp vointarily attending with his books and partner, Mr. Sutz, accompanied by another of his partners, Mr. Burke, who acted as his coupsel.

Mr. Burke said that there was every desire on the part of Mr. Kapp—and ne wished to state it in the part of Mr. Kapp—and ne wished to state it in the presence of the press—to have this matter probed to the bott of an and show the animus of the presention. The complainant was a poor unorant woman, who could not read or write, and they would show that she had not understood the aminavit that had been prepared for her embodying the charge against Mr. Kapp.

Mr. Sherman said that he understood that the examination that afternoon was more for the purpose of giving Mr. Kapp an opportunity of explaining the matter in question than for the hearing of the evidence for the prosecution. He should not be prepared to complete the case that day, because it would be necessary to obtain documents from Washington and a witness from the Treasury.

The affidavit was then read over to the complainant, Mrs. Bowman, which stated that she lived at No. 20 Front street, Brooklyn; that on the 28th of March, 1864, from information she had received from the United States Treasury she had learned that Mr. Kapp had obtained \$169-36, the said money having been obtained \$169-36, the said money having been obtained upon certificate that she lived at some time between November, 1833, and March, 1884, he forged the same certificate with the endorsement and signature of her name. She had not, until recently, any knowledge that the said endorsement had been made, and she charges that the same forged.

On examination by Mr. Burke, counsel for Mr. Kapp's

cently, any knowledge that the said endorsement had been made, and aske charges that the same forged.

On examination by Mr. Burke, counsel for Mr. Kapp, she said that when she went to Mr. Kapp's office in 1864 she saw Mr. Kapp and Mr. Sutz together in the office; Mr. Sutz drew up the papers; Mr. Kapp did not know anything about it; she knew that the government at Washington had issued a certificate for the money, because she had

once in Mr. Kapp's office; flever received any money either from Mr. Kapp or his partner, Mr. Sutz.

Mr. Sherman said that was the case as far as he could take it; he should have the documents from Washington in a few days, add they would show the endorsement of the certificate in Mr. Kapp's handwr.uug.

Judge Hogan said the documents were necessary for the case, and he would adjourn any further hearing until Monday week, at two o'clock.

Mr. Burke said that there really was no evidence, and pressed for a dismissal.

Judge Hogan said that it would be better for all parties that the case stood adjourned. He should not ask Mr. Kapp to enter into any bail.

QUARANTINE.

Practical End of the Season-Well Earned Gratitude.
On the first of this month quarantine operation,

practically, ceased in the lower bay. No cases of sickness were remaining at that date either on board the hospital ship Illinois or in the hospital building on the island. According to law quarantime will terminate 1st of November, but as the cool disinfecting fall breezes have aiready set in there need be no apprehension that any further cases of tever will be introduced into this harbor for the remainder of the year 1869. Still of course the necessary precautions will be kept up until the term regulated by law expires. The Hanols hospital snip, after doing brave service for a considerable time in the lower day, has been overhanded and thoroughly purified and now less in the vicinity of the Atlantic dock, Brookiya, sough housed for the winter and ready when the summer season rolls round again to proceed once more on use damal duty to its old anchorage in the lower bay. Should any cases of sixtness enter the bay between now and the 1st of November there is ample accommodation in the hospital on the sland to provide for their easy treatment. The impression is, however, that we have seen the end of the unhealty season. By comparison with the past five years this has been the heaviest bill of imported sixtness. The cases of yellow lever and smallpox have been much more numerous than in any year since 1868; but, thanks to the care and foresign of the quarantine officers, among whom Dr. kenneth Reid nobly figures, not a single instance of contagion has visited either shore of the bay, Long Island nor Staten Island, not to speak of this great swarming metropolis, where, the seeds of yellow fever ones sown, no skill nor sanitary precaution could arrest its istal spread to some extent, at least. In 1868 it was different. The consternation that took possession of the natives of Long Island and Staten Island, not to speak of this great swarming metropolis, where, the seeds of yellow fever ones sown, no skill nor sanitary precaution could arrest its istal spread to some extent, at least. In 1868 it was different. The constemnior found its way in among them will long be remembered. Rundreds of deaths resulted and this olives only sayed from depopulation by a special interposition of Frovidence. In the meantime the tine will terminate 1st of November, but as the cool disinfecting fall breezes have already set in there

ever be brought to this barbor at one time.

INTERESTING LAW SUIT.—At the session of the Supreme Judicial Court now being held at Havernill, N. H., for Grafton county, the action of John G. Butler & Co., of New York city, vs. the town of Northumberland, N. H., was tried and a verdict rendered for the plaintiffs. This was an action for the recovery of the amount of a bid of liquors sold by the plaintiffs to defendant through Dr. H. P. Watson, town agent of said town for the sale of spirituous and intericating liquors. The order for said goods was solicited by the senior partner of said firm and by him turned over to his firm in New York. The Court ruled that the delivery of said liquors to the transportation company in New York constituted a sale in that place, and the lex loct contractus governing the sale, instructed the jury to find for plaintiffs, which they did.—Boston Journal, Oct. 6.

SUBURBAN INTELLIGENCE

NEW JERSEY.

Jersey City. ATTEMPTED SUICIDE.—About three o'clock yester-day afternoon a man named John Dougherty, halling from Massachusetts, jumped off the bridge at the Cortlandt street ferry, no boat being in the slip at the time. An aisree terry, no soat being in the superatus for saving life was at once brought into requisition. When taken out bougherty admitted he wanted to drown himself, and as he betrayed symptoms of insanity he was handed over to the police. He is thirty-five years of age.

BOARD OF EDUCATION.—Several applicants for the position of teachers to the Commen classes of the

position of teachers in the German classes of the public schools were examined yesterday by Mr. public schools were examined yesterday by Mr. Dickinson, assistant superintendent. There is quite a lively time just now in the Board. Mr. Gaddis offered several motions at the last meeting, all of which were either tabled or rejected, and he thereupon tendered his resignation as member of one of the committees. There is a rather warm feeling at times between the younger members and the older, but public sympathy is invariably with the former. The age of fogyism, bayotry and prejudice is passing away. In the new deal of the cards for the consolidated city the "older members" have been entirely shutled out. There are only four of these on the Board at present.

Hudson City.

Decrease of Crime.—There is a remarkable scuce of crime in Hudson and Bergen cities. The police reports show only a few trivial cases for the past three weeks. Yet these are the cities which were not considered fit associates for Hoboxen—a city which records more murders, suicides, atroctions assaults, e-opements, rascalities and sensations of every kind in one month unan both the other cities combined in two years. Many persons are inclined to the opinion that the absence of Hoboxen is good company, to use an old phrase, and is a subject for congratulation. Hobokes.

BLOODY AFFRAY .- A man named John Donahoe was dangerously wounded in the head yesterday afternoon by William Horan, at the corner of Fourth and Meadow streets. A dispute had arisen about cards and Horan seized a brickbat and knocked his opponent senseless. Another individual was very basis bruised to interfering between the combatants. Horan was lodged in prison to await the result of the men's injuries, which, it is feared, will prove

THE LATE SUSPECTED MURDER.—The inquest on the body of Eli Crotteau, who was found drowned, the body of Ell Crotteau, who was found drowned, with a deep gash in his throat, near the trestle works, was concluded by Coroner White last evening. Several witnesses were examined, but nothing could be elicited as to the manner in which he had been treated before death. Owing to the advance t state of decomposition of the body Dr. Taylor was unable to say whether the throat had been cut before or after immersion. The jury returned a verdict that the deceased came to his death from some cause unknown to the jury.

Newnrk. ALLEGED HIGHWAY ROBBERY.-A few nights ago a saloon keeper named William Boisler, of No. 8 Commerce street, closed his own place and went the rounds among his liquor dealing brethren. He got tipsy and into tad company, so that ninety-one dol-lars was stolen from him, he alleges, in the street. One of the suspected robbers has been arrested and held to ball,

ASSAULT ON AN OFFICER BY COLORED ROWDIES. Early yesterday morning, in patrolling his beat, officer McGee, of the police force, discovered a party officer Modee, of the police force, discovered a party of young colored rowdies making night hideous with their unearthly yells and drunken orgies in a stone yard in Commerce street. He ordered them to disperse, but they aoused him, and he undertook to arreit one of them, whereupon the others attacked mim with stones and compelled him to let go his prisoner. Sergeant Miller came to his assistance just then, and three of the rowdies were taken into custody and committed for trial. Their names are Lewis P. Papsico, Isaac T. Monroe and Morris Thomas.

SERIOUS ACCIDENT-ONE MAN BABLY AND TWO OTHERS SLIGHTLY HURT.-Yesterday forenoon while a force of men employed by Mr. Abraham Parsons, a contractor, were engaged in grading Parsons, a contractor, were engaged in grading waverley place, which runs from High street to Belmont avenue, in the lower part of the city, in undermining an embankment the top suddenly gave way, completely burying one and partially covering two of the workmen. The one entirely buried, two of the workmen. The one entirely buried, Patrick Cassidy by name, had to be dug out. One of his legs and several of his ribs were broken, and it is feared he cannot survive. He was removed to St. Michael's Hospital. The other two men. Joseph Ferdinand Metell and Henry Stewell, a German, were badly though less scriously hurt. Cassidy is a young unmarried man. It appears the top of the bank had become unexpectedly heavy through 'he recent rain storm.

Paterson.

ALMOST BURIED ALIVE .- A laborer named Thoma McNamara, working in the Main street sewer, was nearly buried alive about four o'clock yesterday afternoon by the cartain in the corner of Broadway. The man was buried to the arm puts, and but for a large rock which held back the dirt would have been completely covered. He was quickly dug out, and found to be uniquired, with the exception of alight trunses on the back and

lock, Israel H. Geary, S. B. Ransom; Secretaries, H. B. Howell, J. H. Johnson, D. M. Caidwell; Treasurer, Rev. S. F. Griffith. On taking the chair Mr. Laethrop denounced violently the evils of intemperance, but expressed his unwillingness to encourage a division in political unanimity. The following were the more important resolutions adopted:—
Resolved, That we will ask the Legislature very respectivily to a omenoi the itemse laws of the State as to allow the legal voters of each township, or other political sub-division, to determine at their town meeting, or other municipal election, by popular vote, whether the sale of intoxicating beverages shall be license it therein, and we will withhold our suffrage from all candidates for office who are known opponents of so reasonable a request.

Resolved, That a committee of five, as a central committee, and one from each county, be appointed to superintend the securing of the largest possible petition for this measure, and that the names of legal voters be kept separate on the petition of others.

The subject of prohibition was taken up and vio-

and that the names of legal voters be kept separate on the petition of others. The subject of prohibition was taken up and violently discussed, Mr. Buchanan, of Trenton. manifesting his desire to await the education of the public mind of New Jersey to that certain stannard before broaching such an issue. Rev. Mr. Dooltttle, of Somerville, observed, in the course of the discussion, that unless the cause of temperance progressed we would, in short, have no men fit to hold office. An exciting discussion ensued on the question of adopting as the essential platform the propriety of openiv advocating prohibition and bringing this question directly before the people. After many spiritual disquisitions by divines the question was decided in the negative by a large vote. The Convention then exhansted the day with speaking of the necessity of securing temperate public officers, after which a resolution to adjourn was passed at the o'clock.

LONG ISLAND.

SALE OF THE FLUSHING RAILROAD .- For some time the Finshing Railroad has been in the market. Yesterday it was disposed of by Orange Judu to ex-Collector Carman, of the First district. It is said that Mr. Carman made the purchase in the interest of Oliver Charlick.

A Novel Burglary at Middle Village.—On

A NOVEL BURGLARY AT MIDDLE VILLAGE.—On Wednesday night the house of Frederick Lusk, at Middle Village, was entered by thieves and robbed of goods to the amount of about \$650. The burglars first tried to effect an entrance by duplicate keys. but failed. They next tried the windows, but found a burglar starm to their disadvantage. Finally they sawed a piece out of the cellar door large enough to admit a man's body, and by this means gained an entrance through the door leading from the halt to the cellar. They carried off one gold watch, a quantity of silverware, wearing apparel, and some unmade dry goods; also a new piece of carpet. They must have had a conveyance in readiness to carry off their plunder. Mr. Lusk was absent from home.

Agricultural Fair—Second Day.—The attend-AGRICULTURAL FAIR-SECOND DAY .- The attend

ance at the Suffolk County Agricultural Fair yes terday was very large—the number in attendance being variously estimated at from six to eight thousand. The fair is a decided success, both in thousand. The fair is a declared success, both in attendance and the number and variety of the articles on exhibition. The show of fruits and vegetables is particularly fine. The ladles' department which occupies the galleries of the new itsil, makes an exceedingly fine appearance and reflects much credit upon the skill and industry of the ladles of the county. The exhibition of stock is only average, the number of steep and swine being particularly deficient. In show of norses is superior to that of any former year, both in regard to the number and quality of the stock. The trotting will commence at ten o'clock to-day, and the premiums will be awarded in the afternoon. The annual address was delivered last evening by the Hon. William Nicoli, of istip. The Fair closes this afternoon.

WESTCHESTER COUNTY.

NITRO-GLYCERINE ACCIDENT .- A man named George Hoyt, living at Lewisboro, was in the act of removing the cover from an old nitro-glycerine can

with a fiammer a day of two ago when the vessel excloded, tearing one of his hands off, besides infecting other severe bodily injuries. Although amputation of the shattered arm was subsequently resorted to, it is thought improbable that the man

ALLEGED CRIMINAL ASSAULT.—Officer McColle of the Yonkers police, arrested at that place yester-day a fruit peddler named John Shaffer, living at day a fruit peeddler named John Shaffer, living at Fordham, on a charge of having attempted a criminal assault on the person of a young woman named samanthay J. Johnson, living with her parents in Kellinger street. Shaffer was taken before Police Justice Atkins, when the complainant testified that the accused had entered her lather's house, and finding her alone, did forcibly attempt the outrage indicated, only desisting when her cries had brought a woman into the apartment. He was held in the sum of \$1,000 to await the action of the Grand Jury.

BROOKLYN CITY.

THE COURTS.

MART INCOME. TRUDO SMERRUS Decree Set Aside in the Dalzell Divorce Suit.

Before Judge Tappan.

Augustus L. Datzell vs. Emma Datzell.—On motion of the counsel for the plaintiff Judge Tappan ordered that the judgment of divorce granted in this case in April last be set aside, and the five dollars a week for support of herself and five dollars a week for support of herself and children and also \$750 as counsel fees. It appears from the report of the referce, Mr. S. V. Lowell, that the defendant was charged with committing adultery at the Beimont Hotel, New York, on the \$5th of August, 1896, with a man named Henry Jones, and also with the men at other places unknown to the plaintiff. It was also alleged that copies of the proceedings in the case were served on the defendant at the Westchester House, but no answer being made by her, the decree of divorce was granted. This is a brief synopsis of the legal proceedings which were all conducted in the privacy of the referce's office. The facts of the case, it is alleged, are that during the whole time the suit was being prosecuted the defendant was in England, whilther she had gone previous to the date on which it is alleged that she committed adultery at the Belmont Hotel, in New York. vious to the date on which it is alleged that she committed adultery at the Belmont Hotel, in New York. The attorney who acted in the case is known by the following names:—"W. T. Laming," alias "W. T. Laning," alias "W.

The parties in the suit are of high social standing, and Mr. Paizell is represented as owning a very large estate and engaged in business in California.

COURT OF SESSIONS.

Before Judge Troy and Associate Justices. Judge Troy sentenced Thomas Field, colored; William Harris and Michael McCarthy to the Kings

William Harris and Michael McCarthy to the Kings County Penitentiary yesterday, for committing a burglary on the residence of Mr. Finiey, of No. 107 Gates avenue, in July last. The term for which they were assigned as four years, eleven months and twenty-nline days.

William Payton and William Watkins (both of whom have already served a term in the Penitentiary) were indicted for complicity in the above burglary, and were also convicted of the crime of robbing the house of a Mr. Poole, No. 126 Henry street. They received a sentence of five years for each offence, making a term of ten years in the State Prison.

EROOKLYN INTELLIGENCE.

ROBBERY BY A SNEAK .- Sixty dollars' worth of dothing was stolen from the residence of Mr. Joseph Kennedy No. 43 Prince street, by some sneak thier yesterday.

BURGLARS AT WORK.—Burglars got into the dry goods store of Mr. John Hoimes, 101 Fulton street, at an early hour yesterday morning and went to work in the most energetic manner to clear out the most valuable portion of the stock. A servant girl in an adjoining house made a noise and frightened the thieves off, thus saving Mr. Holmen' goods.

A CONDUCTOR ACCIDENTALLY SHOT .- Yesterda morning as Mr. H. C. Trumee, a passenger on one of form a revolver dropped from his pocket and strik-ing upon the hammer went off. The ball from the weapon lodged in the leg of Aibert F. Miller, con-ductor of the car, causing a painful, though not dan-gerous wound. Miller was taken to his home.

THE NATIONAL GUARD.

The Review of the Second Division at Prospeet Park Yesterday.
The review of the Second division National Guard,

inder command of Major General Woodward, took place yesterday at Prospect Park. There was an immense attendance of Brooklynites on the grounds the various regiments passed were well filled with spectators, who turned out to do nonor to the boys in gray and the boys in blue. On the arrival of the astically received by the crowd, the review began and was watched with great interest throughout by the large number of militia and regular army officers on the reviewing stand and claswhere on the ground. The division presented a magnificent appearance, and every regiment turned out strong. The Forty-seventh, Thirteenth and Twenty-third were particularly excellent in their marching. In fact, the entire Eleventh brigade, which is composed of the Forty-seventh, Iwenty-third, Fitty-sixth and Thirty-second regiments and a howitzer battery, attracted the greatest attention and was loudly applicated in its maneuvrings by its friends, who were present in thousands. The same mistakes which were so prominent in the review of the First division on Wednesday also occurred in the marching of the troops, namely, the sainting of the reviewing officer and the Keeping of proper distance between companies and company ranks. It would seem, inaging from certain other astically received by the crowd, the review began saluting of the reviewing officer and the keeping of proper distance between companies and company ranks. It would seem, judging from certain other errors that were committed by two or three regiments in approaching the reviewing stand, such as coming from the right shoulder shift to the carry arms fully three hundred yards before the stand was reached even by the bands which preceded them, that certain of the officers "jost head" in the excitement of the moment and forgot what they were about. One of the brigades falled to salute with their colors mutil the color guard had passed the reviewing officer. There was one thing that was quite plain during the review, and that was the different rate of the marching of several of the regiments. Several of the marching of several of the regiments. Several of the marching of several of the regiments. Several of the more than the several of the distribution of the defect of their distances on account of the defect of their brothers in arms. As a whole, however, the review of the division was an exceedingly line one, and reflected great credit on the officers who have had the handling of the various regiments and brigades composing it during the past few years. The majority of the commands will compare favorably with any one of the oldest regiments in the First division, and more than one of them ingit give the crack corps of New York city a little trouble in a championship context, as the review yeaterday was the first one the division has made in two years, shooklyn was evidently determined to make the most of it, and the consequence was that a greater gathering assembled at Prospect Park to witness the mand with the context of the mand of it, and the consequence was that a greater gathering assembled at Prospect Park to witness the mand with the context of the mand of it, and the consequence was that a greater gathering assembled at Prospect Park to witness the mand with the park the mand to the context of the context of the mand was ever seen there on any previous pub

A HORRIGLE STORY.

Lynch Law in Pennsylvania.

(Shrewsbury, York county, Pa. (Oct. 4), correspondence Philadelphia Age.)

On Wednesday, 29th ult., Miss Reip, a most estimable lady, sixty-five years old, from the city of Baltimore, visiting her friends some eight miles southeast of this place, was attacked by a burly young negro. Jim quinn, who after knocking her down dragged her some distance into a woods near at hand. She, by this time, somewhat recovered from the blow, wrought to frenzy, resisted until overpowered by the superior strength of her assallant. In the struggle her clothing was nearly all torn from her person, which the neilish flend twisted into ropes, and binding her names and feet to different trees, perpetrated his diabolical purposes. Thus he left her, almost lifeless and jweltering in blood (with a view, no doubt, of seaking his victim again at night), returned to his work in an adjoining confield. After some four hours of terrible agony, Miss Reip succeeded in releasing herrelf, and made her way to the house of Mr. Kirkwood, where, more dead than alive, she told her horrible misfortunes, of Mr. Robinson, to whom the negro was ind anured, and for whom he was at the time at work. Pincy, in company, went in the cornfield. And fundar the negro still at work arrested him; he denied his guilt, but upon examination, his undergarments were found saturated with the blood of his victim. He was confined in a corn-orth until Mr. Kirkwood could procure medical aid for the lady, and an officer lind whose custody to place him. On returning, he found the villian had eacaped. After several days' fruiticas search he was to-day arrested near this place, and upon being confonned by persons who knew nim coriessed his guilt. He was placed in the custody of officer Roser, of Baitimore county, Md. who started to take him to the jail of that county, but on the arrival of the train at Whitehall station the cars were entered by an exasperated body of mee, who overpowered the officer, took the negro and nung the guilt

Numbers of Jesuits have made their appearance is Wallachia and Moldavis, having large credits as their disposal. Their intention appears to be to pur-chase property and open settlements.